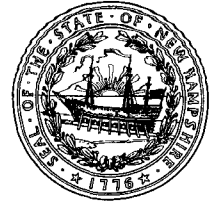




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-029**

April 14, 2006

Byron Bouchie
550 Middle Town Rd
Roxbury, NH 03431

RE: DES Wetlands File #2005-01045 Centennial Rd, Gilsum

Dear Mr. Bouchie:

On March 14, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Gilsum Tax Map 407 as Lot 16-2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

A review of DES Wetlands Bureau files indicates that a Wetlands Bureau Minimum Expedited permit # 2005-01045 was approved to impact 500 square feet of a stream to install a 20 X 20 foot culvert for access to single family residential lot.

During the inspection the following deficiencies were documented:

1. The crossing location was not in accordance with the Wetland Crossing plan by Bell Engineering received by the Department on June 22, 2005, as required by permit specific condition # 1. The crossing location had been located approximately 10 feet upstream of the depicted location on the approved plan, resulting in additional wetland impact.
2. Erosion controls had not been installed on the site, as required by permit specific condition # 6.
3. Permit specific condition # 7 requires that dredge material be placed outside jurisdictional areas. Approximately 100 square feet of dredge spoils had been placed in the jurisdictional wetland adjacent to the stream.
4. As required by permit specific condition # 8, headwalls had not been installed within seven days of the culvert installation.
5. Exposed soils around the culvert were eroding and sediment deposition of approximately 200 square feet was observed in the stream channel.
6. Exposed soils had not been stabilized by mulching with tack or netting and pinning on slopes steeper than 3:1, as required by permit specific condition # 9. Exposed soils were observed at both the inlet and outlet of the culvert.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for immediately stabilizing the exposed soils and coming into compliance with all permit conditions on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means and locations of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date. Include a compliance date for completion of restoration activities by July 1, 2006. Work within the stream channel shall be done during no flow conditions.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum an initial monitoring progress report immediately following completion of the restoration activities documenting the site stability and a monitoring progress report for one successive growing season following completion of the restoration project.

2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Wetlands Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

A handwritten signature in cursive script, likely of Collis G. Adams, is written over a large, bold, black 'COPY' stamp. The signature is partially obscured by the stamp.

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 0390 0001 8452 0190

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Gilsum Conservation Commission
Gilsum Board of Selectmen
USACOE